(1)

Supreme Court, U.S.
FILED

992074 APR 18 2000

No.

In the

# Supreme Court of the United States

ABDUL AZIZ,

*Petitioner,*

v.

GROVE CITY COLLEGE,

*Respondent.*

On the petition for a writ of certiorari
to the United States Court of Appeals
for the Third Circuit

## PETITION FOR A WRIT OF CERTIORARI

ABDUL AZIZ, Ph. D.
*Petitioner pro se*
19924 Lake Park Drive
Germantown, MD 20784-1084
Phone: (301) 528-0241

13 pp

## QUESTIONS PRESENTED

**1. Whether a district court can dismiss a Civil Rights case under Title VII of Civivil Rights Act of 1964, and ADEA of 1967, as amended, by summary judgment without discovery.**

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## LIST OF PARTIES

**All parties appear in the caption of the case on the cover page,**

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## TABLE OF AUTHORITIES

**The petitioner could not find any authorities, by virtue of which his case was dismissed by summary judgment by the district court, and by virtue of which the appellate court affirmed the district court order.**

In The

**SUPREME COURT OF THE UNITED STATES**

**Abdul Aziz,**

**Petitioner,**

**v.**

**Grove City College,**

**Respondent.**

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## I. PETITION FOR WRIT OF CERTIORARI

Petitioner, Abdul Aziz, petitions this court to grant a writ of certiorari to review the judgment of the United States Court of Appeals & of the District Court.

## II. OPINIONS BELOW:

None published. Appeals court decision affirming district court order is in exh._1_, page 1a.

## III. JURISDICTION

1. The final judgment to be reviewed is the appeals court decision, exh._1_, page 1a, March 8, 2000.

2. Jurisdiction is confirmed upon the Supreme Court by Rule 10(c), which says, "a United States Court of appeals has decided an important question of federal law that has not been, but should be decided by this court,: and "has decided an important federal question in a way that conflicts with the relevant decision of this court."

**3. And jurisdiction is confirmed upon the Supreme Court by federal laws, Title VII and ADEA of 1967, that has not been settled by this court.**

## IV. STATEMENT OF THE CASE

The district court could not dismiss my case if it would follo w the discovery procedure of **Rule 56(c) which says:**

> The judgment shall be rendered forthwith, if the pleadings, depositions, and answers to interrogatories, and the admissions on files, together with affidavits, if any, show that there is no genuine issue as to any material fact as a matter of law, and that the party is entitled to a judgment as a matter of law.

In the present case, the record shows that there were no discoveries for pleadings, depositions, and answers to interrogatories and admissions on files. Hence, the court made the decision without discovery. So, it acted in violation of Rule 56(c).

**SO, DISMISSING THE CASE WITHOUT DISCOVERY WAS ILLEGAL.**

## V. PLAINTIFF'S RESPONSE TO THE DISTRICT COURT ORDER

Defendant could not win the case if the district court did not play the following trick on the plaintiff in collaboration with the defendant. The court opens its order, exh._2_ by saying:

> AND NOW this 2nd day of September, 1997, upon consideration of Defendant's Motion to Stay Discovery Pending Disposition of Motion for Judgment on the Pleadings, it is hereby ORDERED that the parties shall not serve any discovery requests until this court has ruled upon the Defendant's pending Motion for Judgment in the Pleadings.

> Defendant is not required to serve a written response to Plaintiff's Moon for Production of Documents within thirty days of service as required by rule 34(b). In the event that any of the plaintiff's claims survive Defendant's Motion for Judgment on the Pleadings, the court shall issue a scheduling order covering, inter-alia, the timing of discovery.

It is clear from above that there was no discovery by any side. And it is clear from Rule 56(c) that discovery is a pre-requirement and it is clear from the Supreme Court Opinion on Rule 56(c) that adequate discovery is a pre-requirement to determine the genuine issue.

Therefore, the court, in this case, made the summary judgment without discovery.

## VI. PRAYERS

**WHEREFORE,** this humble petitioner prays that the Supreme Court of the United States accepts the petitioner's writ of certiorari for the sake of ever increasing minorities of the United States of America.

**Respectfully submitted,**

**3-21-00 301-528-0241**

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**Abdul Aziz, Ph.D., Appellant Pro se, 19924 Lake Park Drive, Gemantown, MD 20874-1084**

# III. APPENDIX OF EXHIBITS


| Nos. | Titles | |
|---|---|---|
| 1. | Appellate Court decision | 1a |
| 2. | District Court order | 3a |
| 3. | Non Compliance of plaintiff's discovery request by defendant | 4a |

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

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No. 99-3760

ABDUL AZIZ,

Appellant,

v.

GROVE CITY COLLEGE

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On Appeal from the United States District Court
For the Western District of Pennsylvania

(D. C. Civ. No. 97-cv-00930)
District Judge Honorable Ronald E. Ziegler

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Submitted Under Third Circuit LAR 27.4 and I.O.P. 10.6
Jan 10, 2000

Before: SCIRICA, ALITO, and STAPLETON, Circuit Judges

JUDGMENT

The case came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6. On consideration whereof it is now here

ORDERED AND ADJUDGED by this court that the judgment of the District entered September 7, 1999, be and

the same is hereby affirmed. Costs taxed against the appellant. All of the above is in accordance with the opinion of this Court.

ATTEST

Sd/- Illegible
Clerk

Feb. 13, 2000

DATED

Certified as a true copy and issued in lieu of a formal mandate on March 8,, 2000.

Sd/- Illegible

Teste:

Clerk, United States Court of Appeals for the Third Circuit

**EXHIBIT 2** 

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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Civil Action No. 97-930

ABDUL AZIZ,

Plaintiff,

v.

GROVE CITY COLLEGE,

Defendant.

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ORDER OF THE COURT

AND NOW, this 2nd day of September, 1997, upon consideration of Defendant's Motion to stay discovery Pending Disposition of Motion for judgment on the pleading, it is hereby ORDERED that the parties shall not serve any discovery quests until this court has ruled upon Defendant's pending motion for judgment on the pleadings.Defendant is not required to serve a written response to plaintiff's motion for Production of Documents within thirty days of service as required by Rule 34(b). In the even that any of plaintiff's claims service Defendants Motion for Judgment on the pleadings, the court shall issue a scheduling order covering, inter alia, the timing of discovery.

BY THE COURT
Sd/- Illegible

**Buchanan Ingersoll**

PROFESSIONAL CORPOATION

Attorneys

**David J Porter**
412-562-1318

One Oxford Center
301 Grant Street, 20th Fl.

Dr. Abdul Aziz
9179 Springhill Lane
Greenbelt, MD 20770-1245

Re: Aziz v. Grove City College

Dear Dr. Aziz:

Notwithstanding the court's entry of an Order on September 2. 1997 (copy enclosed)[1] staying all discovering[2], you served interrogatories and document requests on or about September 9 and September 24, 1997.

Pursuant to the Court's Sepember 2, 1997 Order, your discovery requests are inappropriate and Grove City College will not be responding to them at this time.[3]

Sincerely,
Sd/ David J. Porter

Enclosure

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[1] Exhibit 2

[2] Please kindly note that the court stayed all discovery.

[3] Please also kindly note that the Grove City College did never respond.